

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MICROSOFT CORP.,

Plaintiff,

-against-

ORDER

06-CV-5028(ADS)(WDW)

UNET WORLDWIDE, INC. and DUANYUE HE

Defendants.

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APPEARANCES:

AXINN VELTROP & HARKRIDER LLP

Attorneys for the Plaintiff
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New York, NY 10036

By: James Patrick Doyle, Esq.
Michael Darren Traub, Esq., of Counsel

WONG, WONG & ASSOCIATES, P.C.

Attorneys for the Defendants
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By: Jenny Zhao, Esq., of Counsel

SPATT, District J.

Plaintiff, Microsoft Corporation (“Microsoft”), initiated this action against the defendants alleging unfair competition and infringement of eight copyrights and seven trademarks, all federally registered. On January 22, 2008, this Court adopted the Report and Recommendation of United States Magistrate Judge William D. Wall, recommending that the defendants’ answers be stricken and default judgments entered

against them due to their repeated failure to comply with discovery orders. The Court referred the issue of damages to Judge Wall for the purpose of conducting and inquest on damages. Thereafter, the Court also referred the plaintiff's motion for a permanent injunction to Judge Wall for the resolution of all questions of fact and conclusions of law.

On April 8, 2008, Judge Wall issued a Report and Recommendation, recommending that the Court enter judgment as follows:

- (1) Awarding the plaintiff, Microsoft Corporation, statutory damages in the amount of \$600,0000 pursuant to the Lanham Act; and
- (2) Awarding the plaintiff attorney's fees in the amount of \$12,742.50 and costs in the amount of \$558.87; and
- (3) Issuing a permanent injunction in the form proposed by Microsoft.

To date, there have been no objections filed to Judge Wall's Report. In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F.

Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991).

The Court has reviewed the thorough analysis of Judge Walls's Report and agrees with its findings in full. There being no objection to Judge Wall's Report, it is hereby:

ORDERED, that Judge Wall's Report and Recommendation is adopted in its entirety; and it is further

ORDERED, that contemporaneously with this Order, the Court will issue a separate Order, directing a permanent injunction in the form proposed by the plaintiff; and it is further

ORDERED, that the Clerk of the Court is directed to enter judgment in favor of the plaintiff Microsoft Corporation against the defendants Unet Worldwide, Inc. and Duanyue He in the amounts set forth in this Order; and it is further

ORDERED, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
July 7, 2008

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge